

Chairman Vap called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

#### GENERAL ADMINISTRATION

Notice was duly published April 19, 2005 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 26, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, April 26, 2005:

C-3324      Commission Hearing Room, Lincoln. Oral Argument  
9:00      In the Matter of N.E. Colorado Cellular, Inc., d/b/a/  
Viaero Wireless, Fort Morgan, Colorado, seeking a designation as an eligible telecommunications carrier under 47 U.S.C. Section 214(d)(2). Commissioner Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3337      In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System to be effective July 1, 2005: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order setting the surcharge. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3382      In the Matter of Qwest Corporation, Denver, Colorado, seeking an amendment to an Expedites for Design Services interconnection agreement with McLeodUSA Telecommunications Services, Inc., previously granted in C-2023: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3386      In the Matter of Citizens Telecommunications Company of Nebraska, Mound, Minnesota, seeking an interconnection agreement with Verizon Wireless, Walnut Creek, California: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3387        In the Matter of Qwest Corporation, Denver, Colorado, seeking an amendment to an interconnection agreement for the Elimination of UNE-P and Implementation of Batch Hot Cut and Discounts with Bullseye Telecom, Inc., Oak Park, Michigan: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E-2077        In the Matter of South Central Public Power District, Nelson, seeking authority to construct, operate and maintain electric transmission lines in Clay and Adam Counties: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E-2078        In the Matter of Niobrara Valley Electric Membership Corporation, O'Neill, seeking authority to construct, operate and maintain an electric transmission line in Holt County: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3324        In the Matter of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking a designation as an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2): Shana Knutson reported on the motions that have been filed and the oral argument that was held on April 26, 2005 in the Commission Library, Lincoln.

C-3345        In the Matter of the Commission, on its own motion, seeking to investigate Qwest's Switched Access Rate Structure: Shana Knutson reported on the staff's motion to suspend the tariff filing and to set an oral argument on the motion for Interim Relief pending investigation.

UNIVERSAL SERVICE FUND

NUSF-40/  
PI-86        In the Matter of the Commission, on its own motion, seeking to determine the extent to which Voice Over Internet Protocol services should be subject to Nebraska Universal Service Fund requirements: Jeff Pursley and Shana Knutson discussed the appeal to the Commission's denial of the motion following the April 20, 2005 Oral Argument.

E911 DEPARTMENT

WSP-001.1 In the Matter of Cricket Communications, San Diego, California, seeking requisite filings for funding from Enhanced Wireless 911 Fund: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

WSP-001.2 In the Matter of Cricket Communications, San Diego, California, seeking funding approval for recurring and nonrecurring costs for enhanced wireless 911 service: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Commissioner Boyle inquired about recurring and non-recurring costs that the Commission has approved. Discussion was held with Joan Raffety about the possibility of lowering the surcharge.

NATURAL GAS DEPARTMENT

NG-0004 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), seeking to implement current supply cost adjustment rate schedules for Aquila's Rate Area One, Rate Area Two and Rate Area Three. Commissioner Landis presiding as Hearing Officer: A workshop regarding Annual Gas Supply Purchasing Plan presentation by Aquila was scheduled for May 16, 2005, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

RULES AND REGULATIONS

Rule and Regulation #157A In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Natural Gas and Pipeline Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order proposing a third set of rules, schedule a workshop for June 2, 2005, at 10:00 a.m. in the Commission Library, Lincoln, and schedule a hearing for June 7, 2005, at 2:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

RULE AND REGULATIONS (Cont.)

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and  
#165 Regulations, to add rules for designating eligible telecom-  
munications carriers in Nebraska for the purpose of receiv-  
ing federal universal service support: Motion made by Commissioner  
Frank Landis, seconded by Commissioner Lowell Johnson, to enter an  
order opening the docket and seeking comments. Motion passed with  
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis,  
and Jerry Vap voting AYE.

Andy Pollock reported on the status of pending rules and  
regulations.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule A Rates and Charges: A hearing  
was scheduled for June 1, 2005, at 2:30 p.m. in the Commission Hearing  
Room, Lincoln. Rod Johnson will preside as Hearing Officer.

In the Matter of Schedule E Rates and charges: A hearing  
was scheduled for June 1, 2005, at 2:30 p.m. in the Commission Hearing  
Room, Lincoln. Rod Johnson will preside as Hearing Officer.

John Fecht discussed the following shortages:

GW-1033 Fordyce Farmers Non-Stock Cooperative, Fordyce: Corn  
GW-1119 Trotter, Incorporated, Arcadia: Soybeans

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: Motion  
GWC-397 made by Commissioner Frank Landis, seconded by Commis-  
sioner Lowell Johnson, to enter an order to bifurcate the  
docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson,  
Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Grain Dealer Division

GD-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: Motion  
GDC-397 made by Commissioner Frank Landis, seconded by Commis-  
sioner Lowell Johnson, to enter an order incorporating the  
record. Motion passed with Commissioners Anne Boyle, Lowell Johnson,  
Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

GD-2879 In the Matter of KAAPA Ethanol, L.L.C., Minden, seeking  
cancellation of its Grain Dealer License: The license was  
cancelled effective April 19, 2005.

TRANSPORTATION DEPARTMENT

MCC-3156 In the Matter of Mark J. Breiner, Director, Motor Transportation Department vs. A-1 Limousine, et al: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, for the Commission to reconsider its order of April 5, 2005, regarding revocation of the Certificate of Public Convenience and Necessity of Smitty's Van & Storage in M-12185. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Rate Division

LR-252 In the Matter of Alford Oil Company, dba VIP Limousine, Omaha, seeking authority to adjust its rates and charges. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application as modified. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Present Not Voting.

BR-300 In the Matter of MAVM Ventures, dba A & B Shuttle, Omaha, seeking authority to adjust its rates and charges. Commissioner Vap presiding as Hearing Officer: A video hearing was scheduled for May 18, 2005 at 9:30 a.m. in the Commission Library, Lincoln and the Nebraska State Office Building, Room 207, 1313 Farnam Street, Omaha.

MR-1020/  
PI-94 In the Matter of the Commission, on its own motion, seeking comments on the advisability of regulating Portable Storage of Nebraska, LLC, dba PODS: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order closing the investigation and dismissing the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 46 cents per mile.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

DAS - Materiel - Telecommunications	\$ 3,351.24
DAS - Materiel - Copy Services	2,101.97
DAS - Materiel - Postage	622.85
HHS Finance & Support	698.65
Larry Fauss	800.00
Kelly Services	612.50
Thomson West	557.20
Maurice Gene Hand	530.08
Rod Johnson	249.48

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission went into closed session at 10:50 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission returned to open session at 10:54 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to allow Kara Thielen to utilize the Catastrophic Leave Policy. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

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The meeting adjourned at 10:55 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on Wednesday, May 4, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 3, 2005.

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Chairman

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Executive Director